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10/660,879	09/10/2003	David Matthew Oles	IGTECH.0115P	6926

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EXAMINER
PANOS, JEFFREY C

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/660,879	OLES ET AL.	
	Examiner	Art Unit	
	Jeffrey C. Panos	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/18/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 17-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 17-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12, 17-20, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBan et al (US Patent No. 5,386,103) in view of Yoshida et al (US Patent No. 5,253,167) and in further view of Alden (US Patent No. 5,801,766).

Regarding claim 1, DeBan et al teaches an identification and verification system with an ATM. Although this is not a gaming machine, the algorithm can be universally used for security systems or any system, which so required a personal identification (col. 10: 34-36). DeBan et al teaches the generation of first facial image information regarding a person (Abstract); storing said first facial information on a card issued to said person (Abstract); reading said first facial image information stored on said card at said gaming machine in said casino (Abstract); and obtaining current facial image information of a person using said card at said gaming machine (Abstract and col. 9: 58-65). DeBan et al does not specifically disclose comparing the first facial image information stored on said card with said current facial image information of said person at said gaming machine using said card to confirm that the person using said card is the party to whom the card was issued (col. 4: 6-15; col. 9: 58-65; col. 10: 1-3); but does

teach the use of a camera at the machine that is a "means for generating an image data of the customer" (col. 3. 21-34). Thus, it is obvious that the camera can be used to verify by comparison. In addition, it is not specifically disclosed that there is a method of providing at least one image collection device for obtaining at least one image of an activity associated with the interior of the gaming machine. Yoshida et al teaches several cameras associated with the interior of an ATM machine, including image collection with many peripherals, such as the card-reading device (col. 1: 59-65; col. 2: 44-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeBan et al by providing the interior cameras taught by Yoshida et al to increase security and more easily record possible security issues and alleviating the time and man power of keeping watch on each machine.

Regarding claim 2, DeBan et al teaches the method of transmitting said current facial image information of said person to a remote location in the event the current facial image information does not match the first facial image information (col. 4: 6-15; col. 9: 58-65; col. 10: 1-3). The system disclosed by DeBan et al is capable of communicating such information to a remote location (col. 4: 6-15; Fig. 1), thus it is obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claim 3, DeBan et al teaches the method wherein obtaining current facial image information comprises capturing said image information utilizing a camera 36 mounted to said gaming machine (Fig. 1; col. 3: 21-34).

Regarding claim 4, DeBan et al teaches the method wherein said gaming machine has a front which said person generally faces when playing games at said machine, said camera 36 located at said front of said gaming machine (Fig. 1).

Regarding claims 5 and 6, DeBan et al lacks in specifically disclosing the generation of the first facial image information being performed with a camera generating analog data which is then converted to digital data. DeBan et al does teach that it "digitizes" the information from the video camera (col. 2: 10-12), which is rather clear that digitizing is converting to digital form; wherein the only other common form to convert from is analog form. However, Alden teaches in Figure 1 that the video cameras' recordings are converted from analog to digital before frame capture, thus it would have been obvious to one skilled in the art at the time the invention was made to use Alden's method of converting analog to digital from the video camera for easier use with today's technology and algorithms already implemented in security systems.

Regarding claim 7, DeBan et al teaches the method wherein the generating of said first facial image information is performed using a digital camera (col. 4: 40-43).

Regarding claim 8, DeBan et al teaches the method where said digital camera 27 is located at a position remote from said gaming machine (Fig. 1, col. 4: 40-43).

Regarding claim 9, DeBan et al teaches that the camera 27 at the teller's station is digital, but does not disclose that the camera 36 at the ATM is digital. However, it does not say that it is not either and since the camera where the initial facial image is taken is digital, it would be obvious to one of ordinary skill in the art at the time the

invention was made to continue using the same technology the system is already using to not complicate the system with unnecessary hardware and software.

Regarding claim 10, DeBan et al lacks in specifically disclosing interior cameras as previously mentioned. Yoshida et al teaches the use of interior cameras that provide at least one image collection device for obtaining of at least one image associated with the interior of the gaming machine achieved by disposing a camera inside the machine (col. 1: 59-65; col. 2: 44-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeBan et al by providing the interior cameras taught by Yoshida et al to increase security and more easily record possible security issues and alleviating the time and man power of keeping watch on each machine.

Regarding claim 11, DeBan et al lacks in specifically disclosing cameras being disposed on the interior of the gaming machine which produce simultaneous images of activities associated with the interior of the gamine machine as taught by Yoshida et al (col. 1: 59-65; Fig. 10-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeBan et al by providing the interior cameras taught by Yoshida et al to increase security and more easily record possible security issues and alleviating the time and man power of keeping watch on each machine.

Regarding claim 12, DeBan et al lacks in specifically disclosing the use of at least two cameras located on the exterior of the gaming machine for obtaining facial image information, but as already previously shown, DeBan et al does contain a camera at the

exterior of the machine taking facial image information. Applicant has not disclosed that having the two cameras as opposed to a single camera solves any stated problem or is for any particular purpose. Moreover, it appears that the single camera would perform equally well on its own. Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified DeBan et al such that there were two exterior cameras for facial image information because such a modification would have been considered a mere design consideration which fails to patentably distinguish over DeBan et al.

Regarding claim 17, DeBan et al teaches the method of obtaining current facial image information by sensing a triggering event (col. 9: 58-65); but lacks in specifically showing that in response to the triggering event, capturing said image information utilizing a camera mounted to said gaming machine (col. 9: 58-65). However, the camera 36 mounted on the ATM is capable of responding to such a triggering event and capturing the image information through use of the microprocessor 72 to execute instruction on getting the information from the camera and the RAM 70 to store the information. Then comparing with the information on the card using the algorithm defined in DeBan et al, thus it would have been obvious to one of ordinary skill in the art.

Regarding claim 18, DeBan et al teaches that the triggering event is related to at least one peripheral of the gaming machine, other than the at least one peripheral associated with the at least one image collection device; where the peripheral can be the card machine when the card swipes through the machine, i.e. triggering event.

Regarding claim 19, DeBan et al relates to a game system in that a program is run by a controller/processor where there is a user that interacts with the system and it is inherent that the triggering event is a result of a game operating on the gaming machine because the game must run on the machine to grab a players attention, in turn triggering them to insert their identifying card; further, triggering the obtainment of the facial image as previously stated regarding claim 17, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claim 20, DeBan et al teaches the controlling of the at least one image collection device 36 by a gaming controller 72 for the gaming machine, said gaming machine controller 72 in communication with the at least one peripheral, magnetic card reader 32 (col. 2; Fig. 2).

Regarding claim 24, DeBan et al teaches an identification and verification system with an ATM. Although this is not a gaming machine, the algorithm can be universally used for security systems or any system, which so required a personal identification (col. 10: 34-36). DeBan et al teaches the generation of first facial image information regarding a person (Abstract); storing said first facial information on a card issued to said person (Abstract); reading said first facial image information stored on said card at said gaming machine in said casino (Abstract); and obtaining current facial image information of a person using said card at said gaming machine (Abstract and col. 9: 58-65). DeBan et al does not specifically disclose comparing the first facial image information stored on said card with said current facial image information of said person at said gaming machine using said card to confirm that the person using said card is the

party to whom the card was issued (col. 4: 6-15; col. 9: 58-65; col. 10: 1-3); but does teach the use of a camera at the machine that is a "means for generating an image data of the customer" (col. 3. 21-34). Thus, it is obvious that the camera can be used to verify by comparison. In addition, it is not specifically disclosed that there is a method of providing at least one image collection device for obtaining at least one image of an activity associated with the interior of the gaming machine. Yoshida et al teaches several cameras associated with the interior of an ATM machine, where the machines taught by Yoshida et al and DeBan et al are both capable of synchronizing their efforts as one machine to simultaneously obtain images of an activity associated with the interior of the gaming machine and get a facial image comparison (col. 1: 59-65; col. 2: 44-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeBan et al by providing the interior cameras taught by Yoshida et al to increase security and more easily record possible security issues and alleviating the time and man power of keeping watch on each machine.

Regarding claim 25, DeBan et al lacks in disclosing interior imaging means. Yoshida et al teaches the obtaining of at least one image associated with the interior of the gaming machine performed with a camera disposed inside the machine (col. 1: 59-65; col. 2: 44-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Yoshida et al's imaging means to increase security and more easily record possible security issues and alleviating the time and man power of keeping watch on each machine.

Regarding claim 26, DeBan et al lacks in disclosing interior imaging means. Yoshida et al teaches that cameras 10-13 take images of activities within the interior of the gaming machine (col. 1: 59-65; col. 2: 44-52). It would be obvious to one of ordinary skill in the art at the time the invention was made to use the controller of the machine to allow for simultaneous imaging to view what is going on at each moment rather than switching from camera to camera.

Regarding claim 27, DeBan et al on discloses using one camera for facial imaging, but with Yoshida et al using multiple cameras for the interior, it proves that there is the capability of performing the method with at least two cameras located on the exterior of the gaming machine through programming of the controller, thus it would have been obvious to implement this method through the mentioned programming because the hardware duplication is trivial by nature of it being done already.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBan et al (US Patent No. 5,386,103) in view of Colbert (US Patent No. 5,594,806).

Regarding claim 21, DeBan et al teaches sensing a triggering event at the gaming machine, the triggering event being generated by a person interacting with the gaming machine (col. 3: 21-34; col. 9: 58-65); in response to the triggering event, generating first facial image information regarding the person (col. 9: 58-65). DeBan lacks in specifically disclosing attempting to obtain current facial image information of a person using said card at said gaming machine via an image-capturing device mounted externally on the gaming machine, however, the camera 36 is capable of transferring

the information needed to compare with the facial image information on said card (col. 3: 21-34). The camera 36 mounted on the ATM is capable of responding to such a triggering event and capturing the image information through use of the microprocessor 72 to execute instruction on getting the information from the camera and the RAM 70 to store the information. Then comparing with the information on the card using the algorithm defined in DeBan et al, thus it would have been obvious to one of ordinary skill in the art. DeBan et al also does not specifically disclose in response to not being able to obtain current facial image information, generating security data indicating an alarm condition for the gaming machine taught by Colbert (col. 8: step #6, 36-38), thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the alarm taught by Colbert to indicate a security breach or improper identification verification.

Regarding claim 22, DeBan et al lacks in specifically disclosing the method wherein generating the security data comprises assessing image data from a camera and analyzing the image data. But the algorithm disclosed in DeBan et al has the capability of performing this method, thus it is obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claim 23, DeBan et al teaches the method wherein the triggering event comprises inserting the card into the gaming machine (col. 9: 58-65).

Response to Arguments

Applicant's arguments with respect to claims 1-12 and 17-27 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner withdraws the new matter issue, 112,1st Paragraph rejection, the Drawing issues, and the Restriction. It was determined that there was no longer new matter due to Applicant's arguments and there came the withdrawal of the other preceding issues. Regarding the Restriction, it was determined that there was not sufficient grounds for restriction because Applicant's arguments were persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Panos whose telephone number is (571) 272-6136. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey C. Panos
January 30, 2006

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TC3700